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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,515	02/04/2000	Howard G. Page	1285	8911

28004 7590 04/03/2003
SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/498,515

Applicant(s)
Page et al.,

Examiner
John Young

Art Unit
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 4, 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-18, 20-23, and 25-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 20-23, and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3622

FINAL REJECTION

STATUS

1. Claims 1-8, 10-18, 20-23 & 25-27 are pending.

DRAWINGS

2. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

SPECIFICATION OBJECTION

Oath or Declaration Defective

3. **Objection Withdrawn.**

CLAIM OBJECTION—MPEP 608.01(m)

4. **Objection Maintained.**

CLAIM REJECTION — 35 U.S.C. §103(a)

5. **Rejections Maintained.**

Art Unit: 3622

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Independent claims 1, 12 & 22 and dependent claims 2-8, 10-11, 13-18, 20-21, 23 & 25-27 are rejected under 35 U.S.C. §103(a) as being obvious over Merriman 5,948,061 (Sep. 07, 1999) (herein referred to as (“Merriman”) in view of Srinivasan 6,357,042 (Mar. 12, 2002) [US f/d: 01/22/1999] (herein referred to as “Srinivasan”) and further in view of Rangan 6,006,265 (Dec. 21, 1999) [US f/d: 04/02/1998] (herein referred to as “Rangan”).

As per independent claim 1, Merriman (The ABSTRACT; col. 1, ll. 5-22; col. 1, ll. 28-45; col. 2, ll. 5-45; col. 3, ll. 4-67; col. 4, ll. 1-45; col. 5, ll. 63-67; and col. 6, ll. 1-12) shows most elements and limitations of claim 1.

Merriman lacks an explicit recitation of: “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Art Unit: 3622

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)).

Merriman lacks an explicit recitation of: “selecting video advertising that has a subject matter relation to the selected video content requested by the target viewer. . . .” and “disabling fast-forward capability when the selected video advertising is displayed.”

Rangan (FIG. 3b; FIG. 9; FIG. 11; col. 7, ll. 28-40; col. 13, ll. 4-15; col. 22, ll. 13-47; and col. 26, ll. 26, ll. 60) shows elements that suggest “selecting video advertising that has a subject matter relation to the selected video content requested by the target viewer. . . .” and “disabling fast-forward capability when the selected video advertising is displayed.”

Rangan proposes advertising subject matter relation and “disabling fast-forward capability” modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to

Art Unit: 3622

combine the teachings of Rangan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network from a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .*” (see Rangan (the ABSTRACT)).

As per claim 2, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 2.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 2.

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided

Art Unit: 3622

“targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for *“enhancing the main video stream. . . .”* (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for *“Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .”* (see Rangan (the ABSTRACT)).

As per claim 3, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 3.

Srinivasan (col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 3.

Srinivasan proposes transport bandwidth modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a

Art Unit: 3622

person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “*Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .*” (see Rangan (the ABSTRACT)).

As per claim 4, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 4.

Srinivasan (col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 4.

Art Unit: 3622

Srinivasan proposes transport modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided *“targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .”* (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for *“enhancing the main video stream. . . .”* (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for *“Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .”* (see Rangan (the ABSTRACT)).

As per claim 5, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 5.

Srinivasan (col. 32, ll. 10-67; col. 34, ll. 23-45; col. 2, ll. 63-67; col. 3, ll. 1-10; col. 35, ll. 48-60; col. 35, ll. 7-20; col. 35, ll. 65-67; col. 36, ll. 1-25; col. 37, ll. 40-67; col. 38, ll. 1-25; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18;

Art Unit: 3622

col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 5.

Srinivasan proposes profile and identity modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “*Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .*” (see Rangan (the ABSTRACT)).

As per claim 6, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 6.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17;

Art Unit: 3622

FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 6.

Srinivasan proposes video advertising and target device modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “*targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .*” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “*enhancing the main video stream. . . .*” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “*Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .*” (see Rangan (the ABSTRACT)).

As per claim 7, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 7.

Art Unit: 3622

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 7.

Srinivasan proposes video advertising and target device modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .” (see Rangan (the ABSTRACT)).

As per claim 8, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Art Unit: 3622

Merriman lacks an explicit recitation of the elements and limitations of claim 8.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 8.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .” (see Rangan (the ABSTRACT)).

Art Unit: 3622

As per claim 10, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 10.

Srinivasan (col. 24, ll. 15-67; col. 25, ll. 1-67; col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 10.

Srinivasan proposes play and editing function modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .” (see Rangan (the ABSTRACT)).

Art Unit: 3622

As per claim 11, Merriman in view of Srinivasan and Rangan shows the method of claim 1. (See the rejection of claim 1 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 11.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 11.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided “targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .” (see Rangan (the ABSTRACT)).

Art Unit: 3622

Claim 12 is rejected for substantially the same reasons as claim 1.

Claim 13 is rejected for substantially the same reasons as claim 2.

Claim 14 is rejected for substantially the same reasons as claim 3.

Claim 15 is rejected for substantially the same reasons as claim 4.

As per claim 16, Merriman in view of Srinivasan and Rangan shows the method of claim 12 (See the rejection of claim 12 supra).

Merriman (The ABSTRACT; col. 1, ll. 5-22; col. 1, ll. 28-45; col. 2, ll. 5-45; col. 3, ll. 4-67; col. 4, ll. 1-45; col. 5, ll. 63-67; and col. 6, ll. 1-12) shows elements that suggest the elements and limitations of claim 16 that “includes the interface.”

Merriman lacks an explicit recitation of: “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest “inserting the selected video advertising into the video stream that transfers the selected video content to the target viewer.”

Art Unit: 3622

Srinivasan proposes video advertising insertion modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided *“targeting of advertising over networks such as the Internet. . . . [and] gather information about recipients of the advertisement. . . .”* (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for *“enhancing the main video stream. . . .”* (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for *“Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .”* (see Rangan (the ABSTRACT)).

Claim 17 is rejected for substantially the same reasons as claim 7.

Claim 18 is rejected for substantially the same reasons as claim 8.

Claim 20 is rejected for substantially the same reasons as claim 10.

Art Unit: 3622

Claim 21 is rejected for substantially the same reasons as claim 11.

Claim 22 is rejected for substantially the same reasons as claim 1.

Claim 23 is rejected for substantially the same reasons as claim 2.

Claim 25 is rejected for substantially the same reasons as claim 10.

As per claim 26, Merriman in view of Srinivasan and Rangan shows the method of claim 22. (See the rejection of claim 22 supra).

Merriman lacks an explicit recitation of the elements and limitations of claim 26.

Srinivasan (col. 29, ll. 16-36; col. 30, ll. 40-54; col. 33, ll. 3-20; col. 37, ll. 58-67; col. 38, ll. 1-25; the ABSTRACT; FIG. 11; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; col. 5, ll. 40-45; and col. 13, ll. 15-40) shows elements that suggest the elements and limitations of claim 26.

Srinivasan proposes video advertising and target viewer modifications that would have applied to the method of Merriman. It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Srinivasan with the disclosure of Merriman because such combination would have provided

“targeting of advertising over networks such as the Internet. . . . [and] gather information

Art Unit: 3622

about recipients of the advertisement. . . .” (see Merriman (col. 1, ll. 63-67; and col. 1, ll. 1-4)) and because such combination would also have provided means for “enhancing the main video stream. . . .” (see Srinivasan (col. 3, ll. 40-50)) and because such combination would also have provided means for “Streaming digital hypervideo including copious embedded hyperlinks is distributed upon a digital communications network form a hypervideo server, normally an Internet Service provider, to multitudinous client subscribers/users/viewers (client SUVs). . . .” (see Rangan (the ABSTRACT)).

Claim 27 is rejected for substantially the same reasons as claim 5.

RESPONSE TO ARGUMENTS

7. Applicant's arguments (Amendment A, paper#6, filed 03/17/2003) concerning the rejections/objections in the prior Office Action have been considered but are not persuasive for the following reasons:

Applicant's arguments/remarks concerning the claim objection (Amendment A, paper#6, p. 6, lines 14-21) opine that “there is no requirement that the ‘We claim’ sentence commence on a separate sheet. . . .” along with each claim which must be the object of such a sentence.

Art Unit: 3622

According to MPEP 608.01(m), “[while] there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with ‘I (or we) claim,’ ‘The invention claimed is’ (or the equivalent). Also, according to MEPE 608.01(m), “[the] . . . claims must commence on a separate sheet and should appear after the detailed description of the invention.”

In this case, it is not clearly apparent that each claim of the invention is the object of the sentence “We claim:” because said sentence is not placed on the same separate sheet upon which the claims commence and which said sentence (i.e., words designating that claims follow) are directed to.

Furthermore, it is noted that MPEP 608.01(m) is silent as to whether or not the sentence “We claim. . . .” may be placed other than on the same separate sheet upon which the claims commence; therefore, such a determination as to where the sentence “We claim (i.e., words designating that claims follow) is best placed in order to show that said claims are the object of such a sentence is subject to interpretation.

In this case the Examiner interprets MPEP 608.01(m) (specifically the words: “each claim must be the object of a sentence starting with ‘I (or we) claim,’ ‘The invention claimed is’ (or the equivalent). . . . [and] “[the] . . . claims must commence on a separate sheet and should appear after the detailed description of the invention. . . .”) as directing that the sentence “We claim. . . .” be placed on the same separate sheet (i.e., in close

Art Unit: 3622

proximity to) where the claims commence in order to make it clear that said claims are the object of the sentence "We claim."

Applicant's arguments/remarks (Amendment A, paper#6, p. 6, lines 22-31; and p. 7, lines 1-5) are moot because of new grounds of rejection necessitated by Applicant's amendment.

Applicant's arguments/remarks concerning Official Notice rejections of claims 9, 19 & 24 (Amendment A, paper#6, p. 7, lines 5-9) are moot because Applicant has canceled said claims in said Amendment A. However, if said claims were still pending, then the reference to Rangan (FIG. 3b; FIG. 9; FIG. 11; col. 7, ll. 28-40; col. 13, ll. 4-15; col. 22, ll. 13-47; and col. 26, ll. 26, ll. 60) shows the elements and limitations of claims 9, 19 & 24 which were subject to Official Notice evidence in the prior rejection.

In response to Applicant's arguments/remarks (Amendment A, paper#6, p. 7, lines 10-13) which allege "that there numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. . . ."; said arguments amount to general allegations that said claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Art Unit: 3622

ACTION MADE FINAL

Applicant's amendment necessitated the new grounds of rejection presented in this Office Action.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

8. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 3622

Any response to this action may be sent via facsimile to either:
(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or
(703) 305-7687 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive
Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Patent Examiner

April 1, 2003